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March 4, 2013

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The Honorable Joel Schneider
United States District Court for the District of New Jersey
Mitchell H. Cohen Building and U.S. Courthouse
4th & Cooper Streets, Room 1050
Camden, New Jersey 08101

Re: *Sciele Pharma. Inc. et al. v. Lupin Ltd. et al.*, C.A. No. 09-037-RBK-JS

Dear Judge Schneider:

Together with Kelley Drye & Warren LLP and Sterns and Weinroth PC, we represent the Lupin Defendants in the above-captioned action. We write in response to Plaintiffs' letter-request (D.I.672) for a deadline of March 18, 2013 to respond to Lupin's February 27, 2013 letter and supporting declaration (D.I. 659, 660) regarding Plaintiffs' failures to provide adequate 30(b)(6) deposition testimony and to produce documents and things ("Lupin's Discovery Letter"). This would mean that briefing would not be complete until March 28, 2013.

Included within Lupin's Discovery Letter was a request for a limited extension of the fact discovery deadline to allow Lupin to obtain this outstanding discovery, and to move the subsequent deadlines accordingly, including the April 1, 2013 deadline to submit expert reports. Based on the schedule proposed by Shionogi to respond to Lupin's Discovery Letter, Lupin will not be able to obtain relevant fact discovery before expert discovery begins. Shionogi has proposed a schedule which would mean that briefing on this motion would not end before the currently-scheduled oral argument on plaintiffs' pending motion to amend their contentions, and that the motion probably would not be decided until the opening expert reports were almost complete.

Therefore, Lupin objects to Shionogi's request for three weeks to respond to a discovery dispute letter.¹ Moreover, Shionogi should not need until March 18, 2013 to respond. The issues

¹ We are puzzled by Shionogi's comment that Mylan consents to their requested briefing schedule, since Mylan is not a party to Lupin's Discovery Letter.



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raised in the letter should be familiar, since they involve discovery Lupin has been seeking for months and which has, in some instances, already been the subject of argument at court conferences. For example, on June 29, 2012, both parties filed discovery letters about the same length as Lupin's recent letter. The parties responded less than one week later on July 5, 2012, which was more than one week in advance of the status conference.

The Court has scheduled oral argument on March 11, 2013 on Plaintiffs' motion to amend their infringement and validity contentions (D.I. 650). To accommodate a potential Batheja deposition on March 11, 2013 in India, and to allow the motion to amend and Lupin's Discovery Letter to be heard on the same day, Lupin suggests that the Court consider both on March 18, 2013 and that Shionogi submit its response to Lupin's Discovery Letter by March 11, 2013, almost two weeks after its receipt by them.

Respectfully Submitted,

/s/ Stephen B. Brauerman

Stephen B. Brauerman (No. 4952)

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cc: Counsel of Record